

## **SUBCHAPTER A : GENERAL PROVISIONS**

### **§344.1. Definitions.**

The following words and terms, when used in this chapter shall have the following meaning, unless the context clearly indicates otherwise.

**Backflow Prevention** - The mechanical prevention of reverse flow, or back siphonage, of nonpotable water from an irrigation system into the potable water source.

**Back Pressure** - Any pressure, regardless of its source, against the outlet side of the backflow prevention device, which exceeds the supply pressure against the inlet side of the device.

**Commission** - The Texas Natural Resource Conservation Commission.

**Complainant** - Anyone who has filed with the executive director a complaint which states matters within the commission's jurisdiction.

**Council** - The Texas Irrigators Advisory Council

**Executive director** - The executive director or any authorized individual designated to act for the executive director.

**Hydraulics** - The mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

**Installer** - A person who actually connects an irrigation system to a private or public raw or potable water supply system or any water supply.

**Irrigation system** - An assembly of component parts permanently installed with and for the controlled distribution and conservation of water for the purpose of irrigating any type of landscape vegetation in any location or for the purpose of dust reduction or erosion control. This includes parts used in the application and installation of drip irrigation systems.

**Irrigator** - A person who sells, designs, consults, installs, maintains, alters, repairs, or services an irrigation system including the connection of such system in and to a private or public, raw or potable water supply system or any water supply. The term does not include:

(A) a person who assists in the installation, maintenance, alteration, repair, or service of an irrigation system under the direct supervision of a licensed irrigator;

(B) an owner of a business that regularly employs a licensed irrigator who directly supervises the business's sale, design, consultation, installation, maintenance, alteration, repair, and service of irrigation systems. For the purposes of these rules, "regularly employs" means steadily,

uniformly or habitually working in an employer-employee relationship with a view of earning a livelihood, as opposed to working casually or occasionally.

Landscape Irrigation - The science of applying water to promote and/or sustain growth of plant material or turf.

Licensed Installer - An installer who has prequalified and is licensed under this chapter.

Licensed Irrigator - An irrigator who has prequalified and is licensed under this chapter.

Non-toxic Substance - Any substance, solid, liquid, or gaseous, which may make the water aesthetically unacceptable but, if ingested, will not cause illness or death and is not considered a health hazard.

Person - A natural person.

Precipitation Zones -

(A) Precipitation Zone #1 is defined as the region of Texas requiring the landscape irrigation system to distribute a minimum of .25 inches of water per hour for every hour that the landscape irrigation system is in operation.

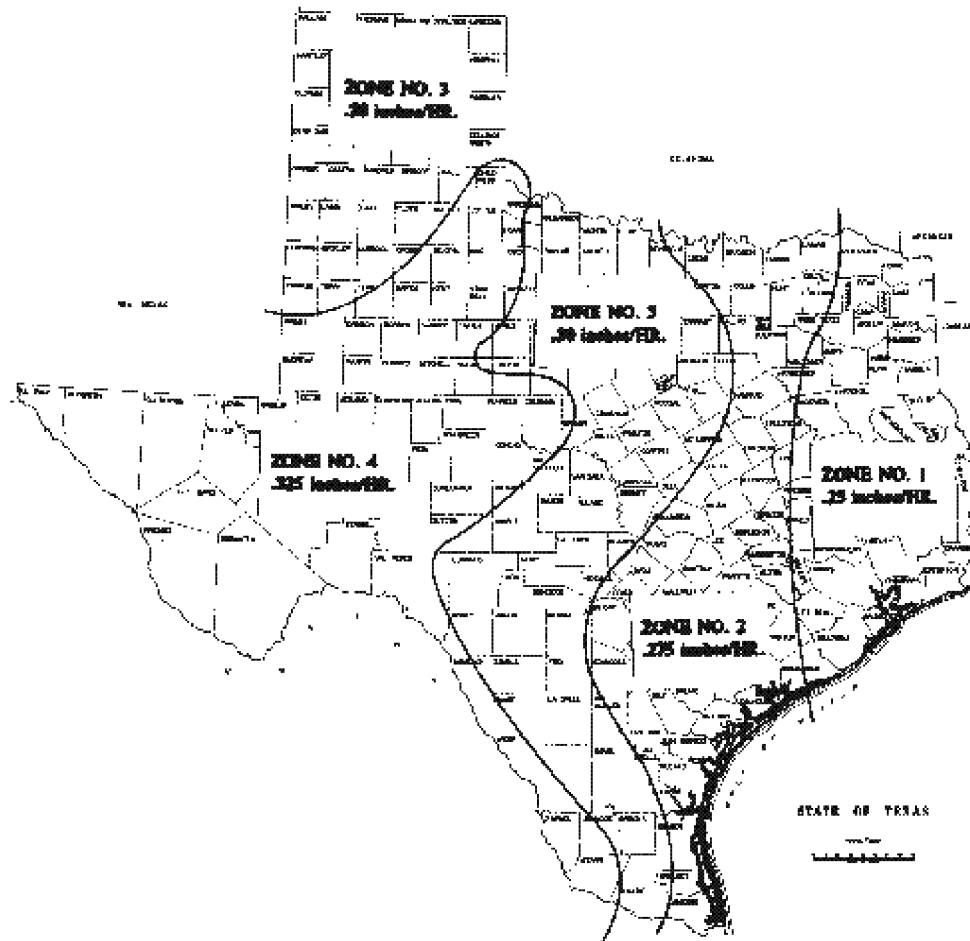
(B) Precipitation Zone #2 is defined as the region of Texas requiring the landscape irrigation system to distribute a minimum of .275 inches of water per hour for every hour that the landscape irrigation system is in operation.

(C) Precipitation Zone #3 is defined as the region of Texas requiring the landscape irrigation system to distribute a minimum of .30 inches of water per hour for every hour that the landscape irrigation system is in operation.

(D) Precipitation Zone #4 is defined as the region of Texas requiring the landscape irrigation system to distribute a minimum of .325 inches of water per hour for every hour that the landscape irrigation system is in operation. The precipitation zones defined in paragraphs (A)-(D) of this section are represented as ZONES NO. 1-4 on the following map:

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## MINIMUM PRECIPITATION RATE FOR LANDSCAPE SYSTEMS BY ZONE



Respondent - Anyone against whom a complaint, which states matters within the commission's jurisdiction, has been filed with the executive director.

Toxic Substance - Any substance, solid, liquid, or gaseous, which when introduced into the water supply system creates, or may create, a danger to the health and well-being of the consumer.

Water Conservation - The design and installation of an irrigation system which prevents the waste of water, promotes the most efficient use of water and applies the least amount of water required to maintain healthy individual plant material or turf.

Adopted May 29, 1996

Effective June 28, 1996

**§344.2. Exemptions.**

(a) The licensure requirements of this chapter do not apply to:

- (1) Any person licensed by the Texas State Board of Plumbing Examiners;
- (2) A registered professional engineer or architect or landscape architect if his or her acts are incidental to the pursuit of his or her profession;
- (3) Irrigation or yard sprinkler work done by a property owner in a building or on premises owned or occupied by him or her as his or her home;
- (4) Irrigation or yard sprinkler repair work, other than extension of an existing irrigation or yard sprinkler system or installation of a replacement system, done by a maintenance person incidental to and on premises owned by the business in which he or she is regularly employed or engaged and who does not engage in the occupation of licensed irrigator or in yard sprinkler construction or maintenance for the general public;
- (5) Irrigation or yard sprinkler work done on the premises or equipment of a railroad by a regular employee of the railroad who does not engage in the occupation of licensed irrigator or in yard sprinkler construction or maintenance for the general public;
- (6) Irrigation and yard sprinkler work done by a person who is regularly employed by a county, city, town, special district, or political subdivision of the state on public property;
- (7) A garden hose, hose sprinkler, hose-end product, soaker hose, or agricultural irrigation system;
- (8) A portable or solid set or other type of commercial agricultural irrigation system;  
or
- (9) Irrigation or yard sprinkler work done by an agriculturist, agronomist, horticulturist, forester, gardener, contract gardener, garden or lawn caretaker, nurseryman, or grader or cultivator of land on land owned by himself or herself.

(b) A person who is exempt from the licensure requirements of this rule shall comply with the standards established by this rule. Irrigation system does not include a system used on or by an agricultural operation as defined in §251.002, Texas Agriculture Code.

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Repeal of: §§344.1, 344.4

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